Secrt. H.-27—100,000—25-6-47.

Development (1947 ~~195~~) Department.

Ms. SERIES.

G.O. No. 4191

Dated 27-8-47

[Despatch Abstract.]

Acts and Rules - Payment of wages Act - Payment of wages (Railw[illegible] Rules, 1937 - Amendments - Confirmed.

GOVERNMENT OF MADRAS
Abstract.

Acts and Rules - Payments of wages Act - Payment of Wages (Railways) Rules, 1937--Amendments - Confirmed.

DEVELOPMENT DEPARTMENT

G.O.Ms.No.4191 Dated 27-8-1947
Read the following:-

G.O.Ms.No.1538 Development dated 8-1-1947
From the Commissioner of Labour No.B.158/47 dated 28-7-47.

ORDER:

The appended notification will be published in English and in the languages of the Province in three successive issues of the Fort St. George Zagette. The Senior Translator to Government is requested to supply the supprintendent, Government Press with the requisite translations of the notification.

(BY ORDER OF HIS EXCELLENCY THE GOVERNOR)

K.G.Menon,
Joint Secretary to Government.

To the Superintendent, Government Press for publication of notification
To the Commissioner of Labour.
To the Senior Translator to Government.
To the Board of Revenue.
To all Collectors of Districts.
To the Departments of the Secretariat (Except Development)
Copy to Government of India, Department of Labour, New Delhi.
Copy to Chief Commissioner of Coorg.
Copy to Director of Industries and Commerce.
Copy to Director of Agriculture.
Copy to Director of Cinchona Department.

APPENDIX

Notification.

In exercise of the powers conferred by sub-section (2) (3) and (4) of section 26 of the Payment of Wages Act 1936, (Central Act IV of 1936) His Excellency the Governor of Madras hereby makes the following amendments to the Payment of Wages (Railways) Rules 1937 published with the Notification of the Government of India in the Department of Industries and Labour No.L.3070 dated the 10th March 1937at pp 503-12 of Part I of the Gazette of India dated the 13th March 1937 and republished with the Notification of the Government of Madras No.247 Development dated the 6th April 1937 at pp 658-661 of Part I of the Fort St. George Gazette, dated the 13th April 1937, as subsequently amended, the same having been previously published as required by sub-section (5) of the said section.

In the said Rules:

(1) In sub-rule (2) of rule 1, after the words, "Railway Administration" the words and figures "or by a contractor employing on an average 20 of more persons daily in any one month in the preceeding 12 months" shall be inserted.

(2) In Rule 2:

(i) in clause (k) after the word and figure "section 3"

the words " and in the case of a person employed by a contractor, the contractor" shall be insorted.

(ii) clause (m) shall be relettered as clause "(O)" and before this clause as so relettered the following clauses shall be inserted namely:-

"(M)' contractor' means a person fulfilling, either directly or through a sub-contractor, a contract with a Railway Administration.

(n) 'employer' means the Railway Administration, and in the case of persons empliyed by a centractor, the contractor;"

(3) In sub-rule (1) of rule 3 for the words "of which the railway administration" the words"where the employer" shall be substituted.

(4) In rule 5--

(i) for the words "Railway Administration" the word "employer shall be substituted:

(ii) in clause (c) after the words "Wage period", the words "and the date of payment" shall be inserted.

(5) To rule 6, the following sentence shall be added, namely:-
"The registers shall normally be maintained in English, but where they are maintained in any language other than English, a true translation thereof in English shall be available".

(6) In rule 10--

(i) for the words "Railway Administration" in the two places where they occur, the words "employer" shall be substituted.

(ii) in sub-rule (b) for the words "itself" and its" the words "himself" and "his resepectively shall be substituted:

(7) In rule 11--

for the words "Railway Administration" the word "employer" shall be substituted.

(8) In rule 12.

(i) for the words "Railway Administration" the word "employer" shall be substituted:

(ii) for the words and figure "approved under rule 11, "the words and figure" of acts and omissions approved by the authority prescribed under rule 9" shall be substituted:

(9) For rule 13, the following rule shall be substituted, namely:-

"13 Persons authorised to impose fines.

(1) No fine may be imposed upon a person, employed by a Railway Administration, by any person other than the Railway Administration, or by a person holding an appointment named in the list referred to in clause (b) of rule 10.

(2) In the case of persons employed by a contractor, no fines may be imposed by any person other than the contractor;

Provided that a contractor who runs more than one establishments in two or more localities, and who employs not less than 50 persons in one locality, may, with the approval of the Superiser, delegate his power to fine to his representative in that locality.

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(10) (1) Rule 14 shall be renumbered as sub-rule (1) of that rule, and in sub-rule (1) as so re-numbered for the words "upon a railway" the words "by a Railway Administration" shall be substituted.

(ii) After Sub-rule (1) as so renumbered, the following sub-rule shall be inserted, namely:-

"(2) No fine shall be imposed on and no deduction for damage or loss shall be made from the wages of a person employed by a contractor until the person authorised to impose the fine or make the deduction has explained personally to the said person the act or omission or damage or loss in respect of which the fine or deduction is proposed to be imposed and the amount of the fine of deduction, which it is proposed to impose, and has heard his explanation in the presence of at least one other person".

~~(11) In rule 17, for the words "Railway Administration" the words "(unless such person is the paymaster)" shall be inserted.~~

(11) In rule 15, after the word "shall" the words and brackets" "(unless such person is the paymaster)" shall be inserted.

(12) In rule 17, for the words "Railway Administration" the words "employer" shall be substituted.

(13) Rules 18,19 and 20 shall be renumbered as rules 19,20 and 21 respectively, and before rule 19 as so renumbered, the following rule shall be inserted, namely:-

"18. Advances to persons employed by a contractor.

(1) An advance of wages not already earned shall not ordinarily exceed the amount equal to two calendar months' wages of the employed person. In exceptional cases, the amount of such advance may, with the previous sanction of the Superviser, be made to the extent of four calendar months' wages.

(2) The above advance may be recovered in instalments by deductions from wages spread over not more than 12 months in the case of ordinary advance and 20 months in the case of special advance. In no case shall the amount of instalment exceed 1/4 of the wages earned in one month.

(3) The amounts of all advances sanctioned and the repayments thereof shall be entered in a register in Form V.

(14) After Form IV the following shall be inserted, namely

~~Form V~~ 'V'

FORM V

REGISTER OF ADVANCES MADE TO EMPLOYED PERSONS.

Name of contractor:

1.	Serial No.
2.	Name.
3.	Father's Name.
4.	Department.
5.	Date and amount of advance ~~made~~ made
6.	Purpose (s) for which advance made
7.	Number of instalments by which advance to be repaid.
8.	Postponements granted.
9.	Date on which total amount repaid.
10.	Remarks.

/True Copy/

S. Jayaraman
16654
Office Assistant,
MADRAS RECORD OFFICE.

GK.

9/4/54